IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 1157 of 2006
Date of decision: 16.03.2007

Mohit Brothers

..... Petitioner.

Versus

Ravee Knitting

..... Respondent.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. S.K. Mahajan, Advocate
for the petitioner.

Mr. Suvir Sehgal, Advocate
for the respondent.

M.M.AGGARWAL, J. (ORAL)

This petition has been filed by the defendant now petitioner against the order dated 23.01.2006 of Civil Judge (Junior Division), Amritsar whereby request of the plaintiff now respondent for leading evidence in rebuttal was allowed.

Counsel for the petitioner argues that the onus of the debatable issue was on the plaintiff and other issues are just legal in nature and no rebuttal evidence could have been allowed. He also argues that plaintiff while closing the evidence in affirmative, did not reserve his right for leading evidence in rebuttal.

Counsel for the petitioner further argues that the matter is covered by a Division Bench judgment of this Court in the case of **Surjit Singh & Ors. v. Jagtar Singh & Ors. AIR 2007 Punjab & Haryana 1**.

I have gone through the facts of the case and authority relied upon and also the order of the Court below in which defendant has already been given an opportunity to cross examine the witness.

After hearing counsel for the parties, I find it will be proper to treat the request of the plaintiff for additional evidence.

However, plaintiff now respondent shall be burdened with Rs.2000/- as costs and defendant-petitioner shall have a right of producing evidence in rebuttal to the evidence which may be led by the plaintiff now respondent.

Disposed of.

March 16, 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**